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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,076	12/29/2000	Shlomi Harif	AUS920000946US1	9022
35525	7590	04/05/2006	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			ART UNIT	PAPER NUMBER

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 09/751,076	<b>Applicant(s)</b> HARIF, SHLOMI
	<b>Examiner</b> Jeff Piziali	<b>Art Unit</b> 2629
<b>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--</b>		
<p>The Appeal Brief filed on <u>12 September 2005</u> is defective for failure to comply with one or more provisions of 37 CFR 41.37.</p> <p>To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within <b>ONE MONTH or THIRTY DAYS</b> from the mailing date of this Notification, whichever is longer. <b>EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.</b></p> <p class="list-item-l1">1. <input type="checkbox"/> The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.</p> <p class="list-item-l1">2. <input type="checkbox"/> The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).</p> <p class="list-item-l1">3. <input type="checkbox"/> At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).</p> <p class="list-item-l1">4. <input type="checkbox"/> (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).</p> <p class="list-item-l1">5. <input checked="" type="checkbox"/> The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))</p> <p class="list-item-l1">6. <input type="checkbox"/> The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).</p> <p class="list-item-l1">7. <input type="checkbox"/> The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).</p> <p class="list-item-l1">8. <input type="checkbox"/> The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner <b>and relied upon by appellant in the appeal</b>, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).</p> <p class="list-item-l1">9. <input type="checkbox"/> The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).</p> <p class="list-item-l1">10. <input checked="" type="checkbox"/> Other (including any explanation in support of the above items):  <u>See Continuation Sheet.</u></p>		

  
J.P.  
24 March 2006

Continuation of 10. Other (including any explanation in support of the above items):

According to 37 CFR 41.37(c)(1)(vi), the 'Grounds of Rejection to be Reviewed Upon Appeal' section of the appeal brief must include, "A concise statement of each ground of rejection presented for review."

On page 8, the 'Grounds of Rejection to be Reviewed Upon Appeal' section of the appeal brief submitted 12 September 2005 includes the statement, "Claims 1, 3-5, 7-9, and 12-15 are rejected under 35 U.S.C. § 102 as allegedly being anticipated by Furusho et al. (US Patent No. 6,310,604)."

The appeal brief improperly omits the statement that claims 17 and 19 are also rejected under 35 U.S.C. § 102 as being anticipated by Furusho et al (see also at least pages 4, 12, 14-16, and 24 of the appeal brief for further details).

At least for such reasoning, the pending appeal brief (submitted 12 September 2005) is found non-compliant.

Please note: The appeal brief has not been checked to the extent necessary to determine the presence of all possible non-compliance errors. If additional issues of non-compliance are discovered in a subsequent response, yet another Notification of Non-Compliant Appeal Brief will be necessitated. Applicant's cooperation is requested in correcting any other errors of which applicants may become aware in the brief.

The applicant is hereby notified that the examiner's art unit has recently changed from Art Unit 2673 to Art Unit 2629, please direct all future correspondence accordingly. Thank you, and have a nice day.



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24 March 2006



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